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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/697,542	08/27/96	BLOCK	R 003750-006

FREDERICK G MICHAUD JR  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA VA 22313-1404

LM11/1125

EXAMINER	
SRIVASTAVIA, V	
ART UNIT	PAPER NUMBER
2711	//

DATE MAILED: 11/25/97

This is a communication from the examiner in charge of your application.  
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OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 10/20/97
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18, 22-34, 37-42 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 35 is/are rejected.
- ☒ Claim(s) 36 is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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### **DETAILED ACTION**

Rejection of claim 37 follows as the rejection was not included in the previous office action. The examiner appologizes for the oversight.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo Jr. (5,172,111) and Kwoh.

Considering claim 1, West discloses all the claimed subject matter, note:

1) the claimed a method of creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content, is met by column 5 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed providing information to a user which describes each of the category labels is met by column 4 lines 58 - 67 and column 5 lines 20 - 40,

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3) the claimed prompting the user to input a value for each of the category labels in response to the provided information is met by column 7 lines 29 - 40 and column 10 lines 1 - 26,

4) the claimed forming the local information label based on the input values is met by column 5 lines 1 - 29.

5) the comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3 lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit

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the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

Considering claim 2, West discloses all the claimed subject matter, note the claimed wherein the information provided to the user comprises descriptive phrases which describe categories of program content is met by column 4 lines 58 - 67 and column 5 lines 29 - 40.

Considering claim 3, West discloses all the claimed subject matter, note the claimed further comprising the step of receiving from a remote source the descriptive phrases is met by column 4 lines 58 - 67 and column 5 lines 1 - 40.

Considering claim 4, West discloses all the claimed subject matter, note the claimed wherein the descriptive phrases comprises standardized definitions is met by column 5 lines 30 - 40 ( R = restricted).

Considering claim 5, West discloses all the claimed subject matter, note the claimed further comprising the step of displaying graphically the values for the category label is met by column 5 lines 27 - 30.

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Considering claim 6, West discloses all the claimed subject matter, note the claimed wherein the steps of providing information to the user and prompting the user are carried out for each of the category labels is met by column 15 lines 1 - 40 and column 14 lines 30 - 54.

Considering claim 7, West discloses all the claimed subject matter, note:

1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 2 - 19,

2) the claimed means for providing information to a user which describes each of the category labels is met by column 4 lines 59 - 67 and column 5 lines 20 - 40,

3) the claimed means for prompting the user to input a value for each of the category labels in response to the provided information is met by column 5 lines 1 - 19, column 7 lines 29 - 40 and column 10 lines 1 - 26,

4) the claimed means for forming the local information label based on the input values is met by column 5 lines 2 - 19.

5) the claimed means for comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

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1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3 lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

Considering claim 8, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a person associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

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2) the claimed means for storing in the local information label an identification code which identifies the person is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 9, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a group of people associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

2) the claimed means for storing in the local information label an identification code which identifies the group of people is met by column 4 lines 48 - 52 and column 5 lines 3 - 19.

Considering claim 10, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a daily time period associated with the local information label would have been inherent, the user would have been prompted by the apparatus to input a time period since the user can input the censorship times associated with the information label (column 5 lines 1 - 8),

2) the claimed means for storing in the local information label a timing code which identifies the daily time period is met by column 4 lines 48 - 57 and column 5 lines 2 - 19.

Considering claim 11, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of the plurality of users is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

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Considering claim 12, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of combination of users is met by column 4 lines 48 - 57 and column 5 lines 30 - 40.

Considering claim 13, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of daily time periods is met by column 4 lines 58 - 66 and column 5 lines 1 - 19.

Considering claim 14, West discloses all the claimed subject matter, note the claimed further comprising at least one of an audio storage medium, a data storage medium, and a video storage medium for storing the information provided to the user is met by column 4 lines 58 - 67 and column 5 lines 1 - 19 (it is inherent that the apparatus contains a audio and video storage medium to compare the audio (language) and video (violence) codes transmitted and inputted to compare for censorship).

Considering claim 15, West does not specifically disclose the claimed further comprising a portable memory for storing local information label.

West discloses of storing the local information label in a memory. It would have been obvious that storing the category label in portable memory would have provided censorship of



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programming like storing programming in the memory disclosed by West, furthermore the use of portable memory for the storage of a category label would have been well known in the art (discs, tapes, cards, etc.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include a portable memory in the invention of West, because it would have been obvious that a portable memory would have provided censorship of programming as the conventional memory of West and it would have been obvious and known in the art that the use of portable memories would have added versatility to a system because the memory would have the possibility of being transported and used at a plurality of locations.

3. Claims 16 - 18, 22, 27 - 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 16, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,

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3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". It would have been obvious that the information prompting the user to "ENTER YOUR PIN NUMBER" would have been a question as to the user's PIN number (ENTER YOUR PIN NUMBER ?) and that entering the censorship ratings would have been directly related to the category labels (ratings are entered for the category labels). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting questions to a user which are related to the category labels and to include a means for receiving answers presented to the user because it would have been obvious that "ENTER YOUR PIN NUMBER" in the invention of West would have been a question asking the

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user what is their PIN number and it would have been obvious that a receiving means would have been include to receive the inputted answer to the question (inputted PIN number).

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that questions presented to the user were indirectly related to the category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the of the

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programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

- 1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,
- 2) the claimed means for inputting an age of the user,
- 3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

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Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious that the ages of the members would have resulted in the amount of censorship required. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for inputting an age of the user to activate one of the information labels because it would have been obvious from the teaching of West that the age of the user would have been an important factor in determining the amount of censorship required, and with the inputting of an age, and having the local information labels associated with the age and activated with the inputting of the age, censorship of tv programs with respect to one's age would have been expected.

Considering claim 27, West discloses the following claimed subject matter, note:

1) the claimed a method of forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 3 - 40,

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2) the claimed presenting a program to a user is met by column 4 lines 48 - 67 and column 5 lines 1 - 3,

3) the claimed presenting to the user a representation of a transmitted category label having a value which identifies the content of the program is met by column 5 lines 3 - 40,

4) the claimed receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed forming the local information label on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of permanently modifying the category label by the user with respect to what the user feels is acceptable and also discloses of temporarily overriding the censorship to provide access to the programming. It would have been obvious that if the user felt that the programming was unacceptable the remote/keypad would have received the indication by the user inputting the code to alter the category label and that the modified label would have the option of being permanent or temporary (overriding access) at the users discretion. Therefore it would have been obvious to one having ordinary skill in the art the time

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the invention was made modifying the local information label and category label would have had the possibility of being altered in the invention of West because it would have been obvious altering of the information and category label (permanent or temporary) would have been possible by receiving an input signal by the user if the user felt that the programming was unacceptable.

Considering claim 28, West does not specifically disclose the claimed wherein the modifying step comprises reducing the value associated with local category label such that it is less than the value associated with transmitted category value.

West discloses of modifying the value of the local category label to customize the value for each member of the household. It would have been obvious that in allowing or censoring the programming material the category label would have been either higher or lower than the value of the transmitted category label. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made modifying the local category label would have resulted in a value less than the value associated with transmitted category label because it would have been obvious that the lower or higher value of the local category label with respect to the transmitted label would have permitted access or provided censorship of the programming material.

Considering claim 29, West discloses all the claimed subject matter, note the claimed further comprising the step of blocking at least a portion of the program of substituting program

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material for objectional material when the value associated with the local category label is less than the value of the transmitted category label is met by column 7 lines 11 - 28.

Considering claim 30, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 2 - 19,

2) the claimed means for presenting a program to a user is met by column 1 lines 4 - 9,

3) the claimed means for receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed means for modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed means for forming the local information label based on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of permanently modifying the category label by the user with respect to what the user feels is acceptable and also discloses of temporarily overriding



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the censorship to provide access to the programming. It would have been obvious that if the user felt that the programming was unacceptable the remote/keypad would have received the indication by the user inputting the code to alter the category label and that the modified label would have the option of being permanent or temporary (overriding access) at the users discretion. Therefore it would have been obvious to one having ordinary skill in the art the time the invention was made modifying the local information label and category label would have had the possibility of being altered in the invention of West because it would have been obvious altering of the information and category label (permanent or temporary) would have been possible by receiving an input signal by the user if the user felt that the programming was unacceptable.

Considering claim 31, West does not specifically disclose the claimed further comprising means for indicating whether the modification of the value associated with the local category label is to be temporary or permanent. Please refer to claim 30 for reasons of obviousness.

Considering claim 32, West discloses all the claimed subject matter, note the claimed wherein the means for receiving an indication comprises a button on a remote control device, the button being associated only with the local information label is met by column 9 lines 2 - 15.

Considering claim 33, West does not specifically disclose the claimed wherein the means for receiving an indication comprises a voice recognition system.

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West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the household are assigned PIN numbers for identification to access tv programs. The head of the household has a PIN number for identification to modify the labels for each household member. A means of identification by a voice recognition system would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used a voice recognition system as a means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a household to control the local labels, and voice recognition as a means of identification would have been well known in the art.

Considering claim 35, West discloses the following claimed subject matter, note the claimed means for receiving first and second local information label based on the first and second local information labels is met by column 5 lines 1 - 50 (based on inputting censorship ratings for plurality of household members),

except for:

1) the claimed an apparatus for creating a combination local information label associated with a first user and a second user, ,

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2) the claimed means for creating the combination local information label based on the first and second local information labels.

West discloses of creating an information label for each household member for censorship purposes. It would have been obvious to create a combination information label for two users based on the first and second information labels. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to create a combination label for two users based on the first and second information label because a plurality of users with different ages would have access to the tv requiring multiple labels, and it would have been obvious to create a combination label for two or more people watching tv in different age groups to accommodate both household members.

4. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Clanton.

Considering claim 23, West discloses the following claimed subject matter, note:

1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,

2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

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except for:

1) the claimed means for storing the at least one category label value for programs presented to the user to compile a viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences (col 7 lines 50-58). It would have been obvious to provide the user in the invention of West user preferred programming by storing the category label for programs presented to the user by compiling a viewing history. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences. It would have been obvious to provide the user in the invention of West user preferred programming. Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo.

Considering claim 34, Olivo discloses all the claimed subject matter, note:

1) the claimed a method for scheduling an advertisement during a program, the program having a program information label which rates the instantaneous content of the program at least two levels is met by column 14 lines 30 - 53 (alternate programming),

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2) the claimed scanning the program information label to ascertain the instantaneous content level of the program over the duration of the program is met by column 14 lines 30 - 53,

3) the claimed transmitting said one advertisement at a time based on the instantaneous content level of the program information label is met by column 14 lines 30 - 53 (alternate programming is transmitted and received),

except for:

1) the claimed determining one of a plurality of advertisements to be run during said program based upon the instantaneous content level of the program.

Olivo discloses of displaying alternate scenes corresponding to the program material in context but of more acceptable content (col 7 lines 48-51). It would have been obvious that a scene(s) or advertisement would have been selected from a plurality of scenes which corresponded to the program material in context for display as alternate programming. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made that the invention of Olivo would have had a plurality of scenes or advertisements and the scene which corresponded to the program material in context would have been displayed as alternate programming.

6. Claims 38-41 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Lemelson.

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Considering claim 38, West discloses 1) the claimed In an information access system, a method for creating a local information label for use in controlling access to information which has associated therewith an information label related to the content of the information (col 5 lines 20-52 and col 6 lines 42-62),

except for:

1) the claimed providing to a user a plurality of category labels each identified by a standardized description of a particular type of information content including at least one of violence, sex and foul language,

2) the claimed prompting the user to input a value into the information access system for each of the category labels,

3) the claimed creating a local information label based upon each of the category labels in response to the input values.

Regarding 1), 2), and 3), West discloses of providing the user with category labels and prompting the user to input a value to create a local information label. Lemelson also discloses of providing the user with category labels including at least one of violence, sex and foul language and discloses of creating a local information label based upon each of the category labels in response to the input values. It would have been obvious that including specific category labels of violence, sex and foul language in the invention of Lemelson would have provided greater flexibility in the censorship of the programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include specific category

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labels for censorship including violence, sex, and foul language in the invention of West as taught by Lemelson, because it would have been obvious that greater flexibility in the censorship of programming would have been possible.

Considering claim 39, West does not specifically disclose the claimed wherein the information content includes subcategories of at least violence and sex.

It would have been obvious to include the subcategories of violence and sex in the invention of West (see claim 38).

Considering claim 40, West discloses the claimed wherein the information access system stores the local information label and wherein the information access system receives information for access by the user, the received information including an associated information content label which varies as the content of the information varies, and including the step of comparing the local information label with the associated information label to selectively control access to the received information (column 5 lines 1-40).

Considering claim 41, West discloses the claimed including the step of preventing access to received information which does not have an associated information content label which compares favorably with the local information label (column 5 lines 1-40).

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Lemelson, and further in view of Olivo (5,172,111).



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Considering claim 42, West or Lemelson do not specifically disclose the claimed wherein the received information is a television program signal and the associated information content label is provided in each frame of the program signal.

West, Lemelson, and Olivo all disclose of transmitting and information label the the user for editing the content of a program. Olivo discloses of receiving a television signal and teaches that by providing information label for each frame of the program signal, each frame of the signal can be censored or allowed depending on the program content (col 3 lines 25-44). It would have been obvious to modify the invention of West to include an information label for each frame of the program signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the invention of West to include an information label for each frame of the program signal as taught by West because it would have been obvious that allowing or censoring each video frame would have provided flexibility such that only the undesired portions of the program would be censored in lieu of the entire video program.

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*Allowable Subject Matter*

8. Claim 35 is allowed.

9. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

Applicant's Arguments

1) Among many other attributes of this system, a historical database can be kept with respect to a particular user. When the user wants to use the television or computer, a menu of the favorite programs will be shown to the user. Such features are encompassed by Applicant's independent claims and are neither taught nor suggested by the prior art references by the Examiner.

2) However, there is no disclosure of a receiving a program's theme on a frame-specific basis in West. In contrast to the west patent, exemplary embodiments of the present invention allow detection and inclusion or exclusion on a frame-specific basis of programming themes e.g., dramas, westerns, and educational programs.

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3) Applicant submits that the West patent does not disclose the ability to present questions to a user which are related to category labels, receive the answers, assign a value to the category labels based upon the answers and from a local information label based upon the values assigned to each of the category labels.

4) This would not lead to assigning a value to the category labels based upon the answers to the questions as featured in the independent claim. The input of a PIN number would only provide access to the system. Thus applicant submits that the West patent fails to disclose or suggest the features of independent claim 16.

5) With respect to independent claim 22, the office action states that it would have been obvious to one of ordinary skill in the to store a plurality of local information labels with a plurality of user ages and activating one of the information labels based on an input age of a user because censorship of TV programs with respect to one's age would have been expected. Applicant submits that the Office Action has used impermissible hindsight in making this rejection.

6) There is no suggestion of associating a plurality of local information labels with user ages within west. Furthermore, there is no teaching or suggestion of activating one of a plurality of the local information labels based upon an input age.

7) With respect to independent claim 23, West does not disclose, among other features, means for storing the at least one category label value for programs presented to a user to compile a viewing history for the user.

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8) There is no compilation of viewing history by West. Thus, West fails to teach or suggest Applicant's compiled user history.

9) Applicant submits because west discloses manually changing the information in the label, as opposed to the system performing the modification as featured in independent claims 27 and 30, West actually teaches away from the previously claimed invention.

10) Olivo Jr., however, does not determine which advertisements are to be played based upon the instantaneous content of the program featured among other limitations in claim 34.

11) Thus, there is no disclosure or suggestion of creating a combination of a plurality of local information labels within the West Patent as each person would have thier own profile.

12) With respect to to newly added independent claim 38, Applicant submits the West Patent doen not disclose or suggest providing a "standardized description of a particular type of information content including a least violence, sex, and foul language" and creating a local information label based upon user inputs for each category of labels. The west Patent only discloses the ability to censor programs based upon general program ratings such as G, PG, R and X.

#### Examiner's Responses

1) After reviewing the office action, the examiner agrees there was no grounds for combination of the three references (West, Hunter, and Martin J.A.) as none of these references

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taught the claimed features. A new rejection with reasons has been provided. Please refer to claim 24.

2) Examiner concurs that there is no disclose of receiving program theme on a frame-specific basis since these limitations were added in the amendment. Please see claims 1 and 7 for new grounds of rejection. Furthermore, since the independent claims 1 and 7 do not recite “ the present invention allow detection and inclusion or exclusion on a frame-specific basis of programming themes” as argued by applicant, applicant’s arguments are not persuasive.

3) Examiner confirms that the West patent doesn not specifically disclose of the ability to present questions to the user, as this feature was rendered obvious by the examiner. The applicant fails to argue why it would not have been obvious to modify the invention of West to include this feature. Furthermore, West patent does disclose of the user assigning censorship ratings to each house hold member, therefore answers are received and a variable or value is assigned to the category label for each household member (col 5 lines 30-40).

4) As discussed in above in 3, category labels are assigned values pending on the censorship required for each household member. Examiner confirms that the PIN number is provided to access the system. However, the PIN number also access a category label for the amount of censorship required for each individual. The category label is assigned a censorship value as assigned by the head of the household member as disclosed in the West patent (col 5 lines 30-40). As a result, Applicant’s arguments are not persuasive.

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5) West specifically discloses of assigning PIN numbers to the plurality of household members for viewing of television programming wherein each PIN number would represent a category label of censorship based on the age of the household member. Since West clearly stresses the importance of censorship of programming depending on the persons age, and the use of PIN number for each household member to access the video programming, it would have been obvious to use the age as a PIN number to activate the local information label and the television programming. As a result, the Examiner affirms the obvious rejection with respect to claim 22 and that impermissible hindsight was not used in making this rejection.

6) West specifically discloses that the local information labels, comprising data for censorship, are formed or associated, with respect to the age of the viewer (col 5 lines 20-40). Furthermore, it would have been obvious to activate one of a plurality of information labels based on an input age (see Examiner argument 5).

7) Examiner concurs that with respect to claim 23, West does not disclose, among other features, means for storing the at least one category label value for programs presented to a user to compile a viewing history for the user. The Hunter and Martin J.A. references were used to teach this feature in the prior office action. As result, Applicant's arguments are not persuasive.

8) Examiner concurs that there is no compilation of viewing history by West. The rejection was made with a combination of references. Applicant fails to argue why the combination of references would not have been obvious to one having ordinary skill in the art. One cannot show nonobviousness by attacking references individually where the rejections are

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based on combination of references. *In re Kelller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981):

*In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9) Examiner concurs that West discloses of manually changing the information in the label, however, West also discloses of an optional provision for override so a parent can authorize viewing of a censored program or prohibit viewing or programming which is unsensored. As a result, the local information label would have been automatically altered to authorize viewing or prohibit the viewing of sensed or unsensored programming respectively.

10) Olivo Jr. discloses of displaying alternate programming which corresponds to the program material in context and hence it would have been obvious that Olivo does select and display the advertisement which corresponds in context to the program material for displaying of alternate programming (col 7 lines 47-52) and thus determines which advertisements are to be played based on the instantaneous content of the program. Therefore, Applicant's arguments are not persuasive.

11) Examiner confirms that there is no disclosure or suggestion of creating a combination of a plurality of local information labels within the West Patent. Claim 35 reciting this feature has been allowed by the examiner.

12) Examiner concurs that the West reference does not specifically disclose the applicant's arguments since the limitations were added in the amended claim. Please see claim 38 above for new grounds of rejection.

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***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Sweetser - Video Control System
- b) Benjamin - Restrictive Access Control System
- c) Kwoh - Apparatus And Method For Total Parental Control Of Television Use
- d) Vogel - Automatic Censorship of Video Programs

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")



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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm. The examiner can also be reached on alternate Fridays.

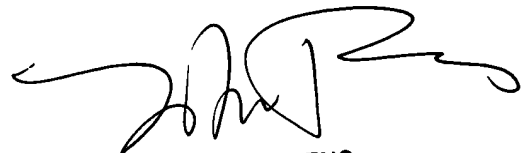
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached at (703) 305 - 4702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

VS

11/21/97



JOHN K. PENG  
SUPERVISORY PATENT EXAMINER  
GROUP 2600